



**Triangle Bar Association**  
**Michigan State University College of Law**  
**@msutribar on Instagram**

*Submitted through the online portal.*

April 11, 2023

Chief Justice Elizabeth T. Clement  
Michigan Supreme Court  
Lansing, Michigan

Re: ADM File 2022-03  
Proposed Amendment of MCR 1.109

To the Honorable Chief Justice Clement,

On behalf of the undersigned law students, staff, and faculty we are writing in support of the proposed amendment to Rule 1.109 of the Michigan Court Rules to permit (*but not require*) parties and attorneys to include their personal pronouns in a case caption and would require the court to use the personal pronoun when identifying or referring to the party or attorney either verbally or in writing.

As current and future members of the Michigan bar, we adamantly support this measure to promote diversity, equity, inclusion, and belonging in the legal profession and practice of law in Michigan. Without this amendment the courts would sanction and perpetuate the microaggressive practice of misgendering (or addressing someone by the incorrect pronoun or honorific). When we misgender people, we deny their legitimacy. The repeated and formal legal denial of legitimacy in a court of law can cause significant negative and psychological effects (including reduced sense of self-worth, anxiety, depression and a feeling of hypervigilance and surveillance) and contributes to an overall decrease of faith in the legal system as fair, just, and equitable.

The Triangle Bar Association is the LGBTQ+ student organization at MSU College of Law. We are circulating this letter at Michigan State University and law school campuses in Michigan to garner support for this amendment. We have detailed below some additional information about the growing number of LGBTQ+ law students and lawyers, the importance of amending the MCR for law students, how this amendment would promote continuity with other Michigan Laws, and why we feel the use of personal pronouns is important for accurate record keeping and harm reduction. Following a discussion of each of these sections you will see a list of law students, faculty, and staff who concur with these comments and support the amendment.

***Growing Number of LGBTQ+ Michiganders and Lawyers***

The number of individuals who identify as LGBTQ+ in Michigan is increasing as there is a greater recognition of diverse identities and a greater willingness for younger people to be open about

their identity. Recent reports indicate that four percent of the Michigan population identifies as LGBT.<sup>1</sup> While the LGBTQ+ community has long been underrepresented in the legal field, the number of LGBTQ+ attorneys is also steadily growing. Approximately 4.2% of attorneys at American law firms identify as LGBTQ+.<sup>2</sup> This percentage has steadily increased over the years starting from 1.1% in 2004 to 2.3% in 2014 to finally 4.2% in 2022.<sup>3</sup> As this population of self-identified LGBTQ+ people and attorneys continues to grow within the state of Michigan, it is imperative that the Michigan courts progress in the way they refer to parties and attorneys associated with cases.

We also want to draw your attention to those that identify as non-binary and may find the ability to designate a personal pronoun particularly helpful. In 2020, the National Association for Law Placement (NALP) released the first in-depth analysis of employment and salary outcomes for non-binary law school graduates.<sup>4</sup> NALP first started including a gender identity reporting option of “I do not identify as male or female” nearly a decade ago in 2014, and since the number of graduates identifying as non-binary has increased over the years, NALP decided to do a more comprehensive analysis of employment status, employer types, and salaries for non-binary graduates.<sup>5</sup> In fact, starting with the Class of 2020, NALP will be “further expanding the gender identity item to include the following selection options: woman, trans woman, man, trans man, non-binary or third gender, choose to self-identify with an identity not listed, and prefer not to disclose.”<sup>6</sup> Allowing parties to designate their personal pronoun would allow everyone to be equally recognized in legal proceedings in the Michigan Court system.

Similar to the trend of the increasing number of self-identified LGBTQ+ people and lawyers, more law students identify as part of the LGBTQ+ community than ever before. A 2022 survey by the National Association for Law Placement found that 9.4% of law firm summer associates identified as LGBTQ+, compared to only 4.2% of law firm lawyers.<sup>7</sup> The statistics quantify what is already known: people who identify as LGBTQ+ are here in Michigan; they are attorneys, law students, and parties in cases.

### ***The Importance of Amending MCR 1.109 for LGBTQ+ Law Students***

LGBTQ+ law students face unique challenges in addition to the typical stressors of law school. Transgender and nonbinary law students often face difficulties accessing bathrooms in school, using their preferred name and pronouns, and securing legal jobs. If adopted, this court rule amendment would help solve one of the biggest problems that LGBTQ+ law students face: summer employment. For most law students with an interest in litigation, the opportunity to go to court in a summer internship is extremely exciting. However, attending court as a transgender or nonbinary law student can induce increased anxiety. In addition to the typical uneasiness that comes with appearing in court for the first time, LGBTQ+ law students also fear that their identity, and consequently their work, will not be respected in court. This fear, among the other additional issues that LGBTQ+ law students face, could lead to students choosing not to accept certain internship opportunities or even choosing to abandon law school entirely.

If adopted, this amendment would be a simple, but highly effective step towards making the legal field more inclusive to Michigan’s future lawyers. As the number of LGBTQ+ law students and attorneys rise, it is imperative that the courts adapt to the future of the legal system.

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<sup>1</sup> UCLA School of Law Williams Institute, *LGBT Data & Demographics* <<https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=26&sortBy=percentage&sortDirection=descending#ranking>> (accessed April 11, 2023).

<sup>2</sup> National Association for Law Placement, *2022 Report on Diversity in U.S. Law Firms* <[https://www.nalp.org/uploads/Research/2022NALPReportonDiversity\\_Final.pdf](https://www.nalp.org/uploads/Research/2022NALPReportonDiversity_Final.pdf)> (accessed April 11, 2023).

<sup>3</sup> *Id.*

<sup>4</sup> National Association for Law Placement, *NALP Research on Non-Binary Law School Graduates* <<https://www.nalp.org/1220research>> (accessed April 10, 2023).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> National Association for Law Placement, *2022 Report on Diversity in U.S. Law Firms*, <[https://www.nalp.org/uploads/Research/2022NALPReportonDiversity\\_Final.pdf](https://www.nalp.org/uploads/Research/2022NALPReportonDiversity_Final.pdf)> (accessed April 11, 2023).

### ***Consistency with Existing Michigan Laws***

The State of Michigan already recognizes the importance of recognizing and affirming the gender identities of all Michiganders. In 2019, Secretary of State Jocelyn Benson instituted a policy that enabled Michiganders to change their sex marker without obtaining a court order or medical documentation.<sup>8</sup> This removed a significant barrier for transgender Michiganders from being able to obtain an ID that accurately reflects their identity and ensures their safety. Under Secretary Benson, the Michigan Secretary of State also created a non-binary option for sex designation (represented by an X).<sup>9</sup> This was a continued effort to ensure ALL Michiganders could obtain an ID that reflected their lived identity. This proposed court rule does no more than align with what is already being done within the State of Michigan. The proposed amendment serves as another way to ensure that all Michiganders are respectfully recognized in a way that reflects their identity and affirms that our courts will respect all identities of those who enter them.

### ***Importance for Accurate Record-Keeping and Harm Reduction***

From a record-keeping standpoint, this proposed amendment increases clarity in Michigan case law and creates standard expectations for those entering the courtroom. Based on recent cases, change is needed to create a consistent standard of what pronouns to use (for individuals whose preferred pronouns differ from those assigned based on their designated sex) within the court for record-keeping purposes. In a recent circumstance, the Supreme Court of Michigan issued a unanimous denial for a leave to appeal that was accompanied by Hon. J. Welch’s concurrence in *Gobrick*, addressing specific, salient issues of gendered reference in the courtroom.<sup>10</sup> This directly opposed Hon. J. Boonstra who wrote in a concurrence at the appellate level and differentiated his opinion predominantly as a stance against “wokeness” and “insanity.”<sup>11</sup> Within his concurrence, however, he noted that counsel used a variety of pronouns for the same person, neither consistently affirming nor consistently denying their preference as a means to mitigate confusion. This amendment would prevent any future instances of this confusion by creating consistency.

Given the confusion surrounding pronouns in the courtroom, it becomes increasingly important that some standard be set. Using someone’s preferred pronouns is a sign of respect; while this may seem idiosyncratic, if someone cares enough about how the world perceives them to form a pronoun preference, foreseeably that person would feel disrespected and slighted when their minor request goes unfulfilled. Showing someone this basic level of respect affords them the dignity of being human in the court system and allows them to maintain some autonomy; it shows compassion. If this rule is not amended, it also creates an opportunity for the court, counsel, or other parties to use the Michigan Court system to disrespect, bully, or harm others by purposely misgendering or not using the non-binary designated personal pronouns.

If the MCR is not amended as proposed, we enforce and uphold an increasingly outdated, and often inaccurate binary social structure, which is confusing and disrespectful both in the courtroom and in review of court records. In the absence of this amendment, lawyers will have to advocate for clients (and themselves) for exceptions through forms and arguments, squandering valuable time and resources of not only the party expressing preference, but the entire court system.

Additionally, people entering courtrooms should have some reasonable degree of expectation. If most of the world refers to someone by one set of pronouns, why would a reasonable person assume they

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<sup>8</sup> Michigan Department of State, *Secretary of State Jocelyn Benson Announces Non-Binary Option for Driver's Licenses and State Identification Cards* <<https://www.michigan.gov/sos/resources/news/2021/11/02/secretary-of-state-jocelyn-benson-announces-nonbinary-option-for-licenses-and-id-cards>> (accessed April 11, 2023).

<sup>9</sup> *Id.*

<sup>10</sup> *People v Gobrick*, \_\_Mich\_\_; 981 NW2d 59, 60 (2022) (Docket No. 164080) (Welch, J., concurring).

<sup>11</sup> *People v Gobrick*, unpublished per curiam opinion of the Court of Appeals, issued December 21, 2021 (Docket No. 352180), p. 25, (Boonstra, J., concurring).

shed that standard at the courthouse steps? People should be granted consistent treatment when they step in a courtroom, and given how the system functions today, there appears to be no consistent treatment in this regard. This justifies a standardization of some kind. For the reasons above, standardization should be the preference of the person referenced. A government should not disrespect its people, nor should the government have the power to compel legal counsel to disrespect their or others clients. This amendment would limit the ability of the government to do either of those things.

***Conclusion***

We strongly support the proposed amendment to MCR 1.109 encouraged by the American Bar Association and as practiced in the Federal Court System. This will help law schools, law students, members of the Bench and Bar and any party who would like to accurately represent themselves in court proceedings in Michigan.

Sincerely,

Triangle Bar Association Executive Board and Faculty Advisors  
Michigan State University College of Law

*See the following pages for a list of all supporters.*

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2	<b>Nick Butkevich</b>	He/Him/His	Michigan State College of Law, 2L Executive Director, Triangle Bar Association 2023-2024
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5	<b>Cassidy Koutsoukis</b>	She/They	Michigan State University College of Law, 1L Incoming Programming Chair Triangle Bar Association 2022-2023
6	<b>Heather L. Johnson</b>	She/They	MSU College of Law, Fixed Term Faculty, Director of the MSU Law Gender & Sexuality Moot Court Competition, & Triangle Bar Association Faculty Adviser
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15	<b>Jessica Boeve</b>	She/Her/Hers;	MSU College of Law
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18	<b>Kristen McNeill</b>	She/Her/Hers;	Attorney
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26	<b>Ashmal Ali</b>	He/Him/His;	MSU Law Alumnus
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32	<b>Samantha Iachello</b>	She/Her/Hers;	Law Clerk
33	<b>Carl Paratore</b>	He/Him/His;	MSU College of Law Student
34	<b>Collin McCrackin</b>	He/Him/His;	Citizen
35	<b>Alexis Nichols</b>	She/Her/Hers;	Mrs
36	<b>Jessica Reid</b>	She/Her/Hers;	Doctor
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48	<b>Jessica Tapscott</b>	She/Her/Hers;	Social Worker

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63	<b>Samuel Badger</b>	He/Him/His;	MSU Law
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65	<b>Taylor Hayes</b>	He/Him/His;	Student
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67	<b>Gabriel Wrobel</b>	He/Him/His;	Michigan State University College of Law, 2L Online Forum Editor, Michigan State Law Review (2023-2024)
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86	<b>Alyssa Lawton</b>	She/Her/Hers;	MSU 1L Law Student
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92	<b>Vincenzo Convertino</b>	He/Him/His;	Vice President of MSU Law's Student Bar Association
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104	<b>Nichelle Christopherson</b>	She/Her/Hers;	Post Bar Law Clerk
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106	<b>Audrey Myers</b>	She/Her/Hers;	Law student
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111	<b>Makena Meeks</b>	She/Her/Hers;	MSU College of Law, 2L
112	<b>Eli Martinez</b>	She/Her/Hers;	Law student
113	<b>Claudia Reid</b>	She/Her/Hers;	citizen
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115	<b>Mikhail Murshak</b>	He/Him/His;	Mi Attorney and Adjunct Professor MSU
116	<b>Lauren Lassiter</b>	She/Her/Hers;	Sister to MSU LAW STUDENT
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120	<b>Andrew Zuzga</b>	He/Him/His;	MSU CoL 1L
121	<b>Emma Stream</b>	She/Her/Hers;	Ms
122	<b>Erin English</b>	She/Her/Hers;	Student
123	<b>Lorraine Riffle</b>	She/Her/Hers;	MSU Law Student
124	<b>Leah Morin</b>	She/Her/Hers;	Librarian, Michigan State University
125	<b>MADELAINE ACKERMANN</b>	She/Her/Hers;	Michigan State College of Law, 2L
126	<b>Harsh Patel</b>	He/Him/His;	Mr.
127	<b>Brendan Jackson</b>	He/Him/His;	Law Student, University of Michigan Law School
128	<b>Joana Lampe</b>	She/Her/Hers;	Michigan Stats Social Work Doctoral Student

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134	<b>Christina Wease</b>	She/Her/Hers;	MSU Law Clinic
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136	<b>Kathryn Fort</b>	She/Her/Hers;	MSU Clinic Director
137	<b>Abigail Blanding</b>	She/Her/Hers;	MSU Law
138	<b>Nicole B. Godfrey</b>	She/Her/Hers;	Associate Clinical Professor of Law, Director, Housing Justice Clinic
139	<b>Jichao Zeng</b>	He/Him/His;	SBA Senator
140	<b>Glen Staszewski</b>	He/Him/His;	Professor of Law & The A.J. Thomas Faculty Scholar, Michigan State University College of Law
141	<b>Juliet Watson</b>	She/Her/Hers;	MSU law student
142	<b>Nicholas Carroll</b>	He/Him/His;They/Them/ Theirs;	Detroit Mercy Law 2L, President, Outlaws (2022-2024)
143	<b>Dominica Convertino</b>	She/Her/Hers;	Law Student, Wayne State University Law School
144	<b>Meghan Knorp</b>	She/Her/Hers;	Wayne State University Law School
145	<b>Polina Naumova</b>	She/Her/Hers;	MSW, MSU School of Social Work
146	<b>Erin Dickenson</b>	She/Her/Hers;	J.D. Candidate at MSU College of Law
147	<b>Andrew Haftkowycz</b>	He/Him/His;	MSU International Law Review Executive Editor
148	<b>Catherine Archibald</b>	She, They, or Ze;	Associate Professor of Law, University of Detroit Mercy School of Law

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150	<b>Yara Khalil</b>	She/Her/Hers;	Michigan State University College of Law, 2L
151	<b>Andrew Crane</b>	He/Him/His;	Law student
152	<b>Ieisha Humphrey</b>	She/Her/Hers;	Assistant Dean for Student Affairs, University of Detroit Mercy School of Law
153	<b>Victoria Orent</b>	She/Her/Hers;	MSU College of Law, 3L
154	<b>Zach Cruz</b>	He/Him/His;	Indiana University
155	<b>Karen McDonald Henning</b>	She/Her/Hers;	Associate Dean of Academic Affairs, University of Detroit Mercy School of Law
156	<b>Julie St John</b>	She/Her/Hers;	Assistant Professor, Detroit Mercy Law
157	<b>Patrick Meyer</b>	He/Him/His;	Professor of Law & Law Library Director, Univ. of Detroit Mercy School of Law
158	<b>Carson Barber</b>	He/Him/His;	2L, MSU Law
159	<b>Jelani Jefferson Exum</b>	She/Her/Hers;	Dean, University of Detroit Mercy School of Law
160	<b>Jane M. Meland</b>	She/Her/Hers;	MSU College of Law Library Director
161	<b>Jennifer Carter-Johnson</b>	She/Her/Hers;	Associate Professor of Law
162	<b>Daniel E. Manville</b>	He/Him/His;	Director, Civil Rights Clinic, Michigan State University
163	<b>Lucy Hickey</b>	They/Them/ Theirs;	Adna Tech
164	<b>Brendan Ruff</b>	He/Him/His;	Student
165	<b>Andrew Blood</b>	He/they;	N/A
166	<b>Jacob Bronsther</b>	He/Him/His;	Assistant Professor, MSU Law
167	<b>Cora Kangas</b>	She/Her/Hers;They/Them/ Theirs;	MSU Law TriBar
168	<b>Laura Scerbak</b>	She/Her/Hers;	Law student

#	Name	Pronouns	Title/Affiliation
169	<b>Jacqueline Buck</b>	She/Her/Hers;	J.D. Candidate
170	<b>Noah Thelen</b>	He/Him/His;	MSU Law Student
171	<b>Sarina Saravi</b>	She/Her/Hers;	MSU Law Student
172	<b>Mackenzie Kramer</b>	She/Her/Hers;	MSU Law Student
173	<b>Ronald Ilagan</b>	He/Him/His;	APALSA
174	<b>Rashad Aalaei</b>	He/Him/His;	MSU Law 2L Student
175	<b>Taylor Schanz</b>	She/Her/Hers;	MSU Law
176	<b>Kayla Watson</b>	She/Her/Hers;	J.D. Candidate at Michigan State University College of Law
177	<b>Kaitlyn O'Connor</b>	She/Her/Hers;	Law student
178	<b>Aoife O'Neill</b>	She/Her/Hers;	Indiana University
179	<b>Matthew Calderwood</b>	He/Him/His;	MSU Law Student
180	<b>Maleigha Jackson</b>	She/Her/Hers;	MSU law graduate
181	<b>Albert Chang</b>	He/Him/His;	MSU Law Student
182	<b>Kyra Strick</b>	She/Her/Hers;	MSU Law
183	<b>Nancy Schiele</b>	She/Her/Hers;	1L student
184	<b>Brittany Laura</b>	She/Her/Hers;	Law student
185	<b>Jasmin Cambri</b>	She/Her/Hers;	MSU Student
186	<b>Ashley Abaya</b>	She/Her/Hers;	MSU alumni
187	<b>Thomas Gliniecki</b>	He/Him/His;	MSU Law Class of 2025
188	<b>Rachel Alexander</b>	She/Her/Hers;	Alumni

#	Name	Pronouns	Title/Affiliation
189	<b>Jeremy Francis</b>	He/Him/His;	MSU Clinical Professor of Law (affiliation provided for identification purposes only)
190	<b>Connor Cerrito</b>	He/Him/His;	Alumni
191	<b>Jessica Hollan</b>	She/Her/Hers;They/Them/Their;	MSU Alumni
192	<b>Meridith Paden Murley</b>	She/Her/Hers;	Law Student, Michigan State University
193	<b>Nikolas Spilson</b>	He/Him/His;	MSU Law Student
194	<b>Erin Bartels</b>	She/Her/Hers;	Attorney and MSU Law Alumni
195	<b>Frank Aiello</b>	He/Him/His;	Board Member, Stand with Trans
196	<b>Marina Fuga</b>	She/Her/Hers;	Student
197	<b>Mary Ann Ferguson</b>	She/Her/Hers;	Assistant Dean for Diversity and Equity Services, MSU College of Law
198	<b>Aman McLeod</b>	He/Him/His;	Associate Professor/University of Detroit Mercy School of Law
199	<b>Jamie Vandenoever</b>	She/Her/Hers;	Attorney
200	<b>Linda Sheryl Greene</b>	She/Her/Hers;	Dean and Foundation Professor of Law, Michigan State University College of Law
201	<b>Sterling P. Bentley</b>	He/Him/His;	Graduate Student at MSU
202	<b>Dominic Pavone</b>	He/Him/His;	Alumni
203	<b>Jarrett Sabina</b>	He/Him/His;	Michigan State Student